

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHEASTERN DIVISION**

JOHN HORNBUCKLE

Petitioner,

V.

UNITED STATES OF AMERICA,

Respondent.

Case No.: 5:24-cv-8006-LCB

ORDER

Before the Court is the Government's Motion to Extend the Deadline to Answer and Order Production of Evidence. (Doc. 4). In its motion, the Government asserts that it cannot meaningfully respond to Mr. Hornbuckle's motion to vacate his sentence without having the opportunity to review evidence he cited in his motion. Specifically, the Government seeks the following:


(1) “electronic source data evidence” that Hornbuckle says is “available” and “secured for the Courts” (Civ. ECF 1 at 8, 15, 21); (2) emails with counsel that Hornbuckle says he has withheld but would provide to the Court if directed (*id.* at 13 n.4, 32 n.11); and communications with counsel regarding the “list of witnesses” Hornbuckle says should have been interviewed because those witnesses had unspecified relevant testimony to offer (*id.* at 9, 11).

(Doc. 4 at 2). According to the Government, Hornbuckle is withholding evidence containing communications with his counsel based on his belief that they are privileged. However, as the Government correctly points out, Hornbuckle has

waived that privilege as to any communications regarding trial strategy. (Doc. 4 at 3), citing *Johnson v. Alabama*, 256 F.3d 1156, 1178 (11th Cir. 2001) (“A party waives its attorney-client privilege when it injects into this litigation an issue that requires testimony from its attorneys or testimony concerning the reasonableness of its attorneys’ conduct.” (internal quotation marks omitted)).

For the foregoing reasons, the Government’s motion (Doc. 4) is **GRANTED**. Hornbuckle is **ORDERED** to provide the evidence he cites and relies on in support of his § 2255 motion on or before March 10, 2025. The Government shall file a notice with the Court once that evidence has been produced. Further, the deadline for the Government to respond to Hornbuckle’s petition is extended to 21 days after Hornbuckle provides the aforementioned evidence.

DONE and **ORDERED** February 7, 2025.



LILES C. BURKE
UNITED STATES DISTRICT JUDGE